

REMARKS

Claims 2-12 are pending in this application, none of which have been amended. Claim 1 has been cancelled. No new claims have been added.

Claims 1-4 and 9-12 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,684,930 to Minasy et al (hereafter "**Minasy et al '930**") in view of U.S. Patent 5,121,103 to Minasy et al (hereafter "**Minasy et al '103**").

Applicants respectfully traverse this rejection.

As noted in Applicants' response of August 1, 2002, **Minasy et al** discloses a deactivator for deactivating targets used in electro-magnetic article surveillance systems which comprises a solid element with a convexly curved outer surface, e.g., a cylinder, and a plurality of permanent magnets which form a patter of variously directed magnetic fields is a plane adjacent the surface. The curved surface of the deactivator is rolled over a target to be deactivated. The magnets are also arranged in adjacent layers with the magnets of one layer extending in a direction different from the magnets of the other layer to form a composite magnetic pattern which is discontinuous in all directions.

The detector of **Minasy et al** is shown as a pair of walk-through antenna panels 20, 22.

This is in contrast to the present invention, in which the detector is provided downstream and adjacent to the deactivator on the same counter top surface so that if deactivation fails, the tag may be immediately run through the adjacent deactivator again. The detector claimed in the present invention is in addition to the deactivator which deactivates the tag, and is used to detect effectivity of the tag.

The Examiner has admitted that Minasy et al '930 fails to teach or fairly suggest the detector being provided adjacent to the deactivator, but has cited Minasy et al '103 for teaching this feature.

Applicants respectfully disagree.

In the present invention, the deactivator erases the magnetism from the tag to deactivate it, while the detector provided on the counter top surface downstream from and adjacent to the deactivator is used to detect magnetism of the tag, as specifically recited in claim 2. In contrast, in Minasy et al '103 the target to be detected is "an elongated strip of a high magnetic permeability, easily saturable, magnetic material, such as Permalloy." As noted in column 4, lines 37-44:

In the presence of an alternating magnetic field such targets are driven alternatively from magnetic saturation in one direction to magnetic saturation in the opposite direction. As a result the targets produce electromagnetic disturbances at frequencies which are harmonies of the interrogating field. These disturbances are detected and processed in a receiver system.

The antenna assembly 34 therefore does not detect magnetism from the target, but instead detects a disturbance in the electromagnetic field of the antenna caused by the presence of the target.

This teaching is not combinable with Minasy et al '930 to teach the present invention, in which the actual magnetism of the tag is detected, as recited in claim 2.

Thus, the 35 USC §103(a) rejection should be withdrawn with regard to claims 2-4 and 9-12.

Claims 5-7 stand rejected under 35 U.S.C. §103(a) as unpatentable over Minasy et al '930 and Minasy et al '103 and further in view of Ruppert et al (previously applied).

Applicants respectfully traverse this rejection.

Ruppert et al discloses a portable barcode and RF ID tag reader that gathers information about items to be purchased etc. by reading barcodes of RF ID tags. A store host computer gathers information about items to be purchased from the portable barcode/ID Tag readers and then the items are bagged by the customer at the checkout stand or by employees of the store at the checkout stand or in a separate warehouse from which the customer picks up the order. The portable barcode/RF ID tag reader can also be used in authenticating articles by accessing a factory computer using a serial number for the articles scanned from an RF ID tag on the article. The portable barcode/RF ID tag reader is comprised of a microprocessor coupled to a bar code reader, an RF ID tag reader, a spread spectrum RF transceiver, a communication port, an audible feedback device, a touchscreen or light pen and display, a thermal printer and a magnetic stripe card reader.

Ruppert et al, like **Minsay et al '930** discussed above, fails to teach, mention or suggest a magnetic detector arranged adjacent to the deactivator on the same counter top surface, as recited in claim 2, from which these claims depend.

Thus, the 35 USC §103(a) rejection should be withdrawn.

Claim 8 has been allowed.

In view of the aforementioned amendments and accompanying remarks, claims 2-12, as amended, are in condition for allowance, which action, at an early date, is requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

If, for any reason, it is felt that this application is not now in condition for allowance, the

U.S. Patent Application Serial No. 09/282,450

Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



William L. Brooks
Attorney for Applicant
Reg. No. 34,129

WLB/mla

Atty. Docket No. **990295**
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made
Petition for Extension of Time

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VERSION WITH MARKINGS TO SHOW CHANGES MADE 09/282,450

IN THE CLAIMS:

Please cancel claim 1.